

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER SCOTT REEDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81200-COA

FILED

MAY 25 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
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ORDER OF AFFMIRANCE

Christopher Scott Reeder appeals from a judgment of conviction, pursuant to a jury verdict, of two counts of sexual assault of a minor under fourteen years of age and two counts of lewdness with a child under the age of 14.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

The victims in this case, C.L. and A.R., became friends when they were six or seven years old.² A.R. and C.L. often slept over at each other's houses. A.R.'s relative, Reeder, was often present in A.R.'s home. When C.L. was between six and eight years old, she and her family went to A.R.'s home. Reeder was present. That night, while A.R.'s and C.L.'s parents were gone, Reeder asked A.R. and C.L. to watch a movie with him

¹The amended indictment describes counts 1 and 2 as "sexual assault with a minor *under fourteen years of age*," and counts 3-6 as "lewdness with a child *under the age of 14*." (Emphases added.) The charges are slightly inconsistent with the statutes, which use the word "child" and numerals for the age to state "under the age of fourteen." We nevertheless refer to the charges as they are stated in the amended indictment except that we state the charge in counts 1 and 2 as "sexual assault of a minor" rather than "with" a minor, which could be read to impute fault to the child. (Emphasis added.)

²We recount the facts only as necessary for our disposition.

in A.R.'s parents' room. A.R. and C.L. agreed. The three of them laid in A.R.'s parents' bed under the covers to watch the movie with Reeder in the middle. At some point, Reeder reached his hand under the covers and rubbed C.L.'s genitals over her clothes. He then put his hand under her clothes, continued to rub her genitals, and digitally penetrated her genitals. Reeder stopped when C.L. rolled over to her side. Reeder told C.L., "[i]f you don't enjoy it, we can stop." Later, C.L. turned back over because she was uncomfortable. C.L. was still awake, and Reeder again reached his hand under C.L.'s clothes and digitally penetrated her genitals.

When A.R. was six or seven years old, Reeder entered her bedroom while she was alone and closed the door behind him. Reeder sat down next to A.R. on her bed and proceeded to rub her genitals over her clothing for two to four minutes. Neither A.R. nor Reeder spoke while Reeder was in her room.

Neither C.L. nor A.R. told anyone about Reeder's sexual abuse until 2017, when C.L. revealed it to her mother. C.L.'s mother contacted police, who launched an investigation. As part of the investigation, C.L. met with Elizabeth Espinoza, a forensic interview specialist with the Department of Family Services, for an interview. C.L. told Espinoza that Reeder touched and penetrated her vagina twice when she was six or seven years old.

The police contacted A.R. and her parents and Espinoza interviewed A.R., but did not inform her of C.L.'s allegations. Espinoza asked A.R. whether she had ever been abused; A.R. stated that she had not. Following the interview, however, A.R.'s mother informed A.R. of C.L.'s allegations of sexual touching by Reeder. Espinoza interviewed A.R. a

second time and this time, A.R. told Espinoza that Reeder rubbed her genitals over her clothing on two occasions.

Reeder was indicted for six offenses related to sexual abuse of A.R. and C.L. Counts 1 and 2 of the indictment alleged Reeder sexually assaulted C.L., a minor under 14 years of age. The remaining counts alleged that Reeder engaged in lewdness with A.R., a child under the age of 14.

A.R. and C.L. both testified at trial to the sexual touching by Reeder. Espinoza testified about her interviews with A.R. and C.L., corroborating A.R.'s and C.L.'s testimonies. Espinoza explained that, in general, she conducts her interviews from a neutral standpoint, taking care not to influence the child to give a particular answer. Espinoza further testified that child victims will often delay coming forward about sexual abuse, particularly when their abuser is a family member. Children also may not understand what happened to them until they are older, Espinoza explained, and they may believe they would not receive support if they did come forward.

The jury convicted Reeder of counts 1 and 2: sexual assault of C.L., a minor under 14 years of age, and counts 3 and 4: lewdness with A.R., a child under the age of 14, but acquitted on two other counts of lewdness with a child under the age of 14. This appeal followed.

Reeder raises a single issue on appeal: whether there was sufficient evidence to support his convictions. Reeder argues the passage of time between the alleged abuse and his trial casts serious doubt on A.R.'s and C.L.'s testimonies. Reeder further argues that A.R.'s mother influenced A.R. to retract her denial about being sexually abused when she told A.R. about C.L.'s allegations. Reeder also emphasizes that C.L. could not recount sensory details about the alleged assault. Reeder concludes that a rational

trier of fact could not reasonably have found him guilty of counts 1 through 4 beyond a reasonable doubt due to these inconsistencies.³

The State answers that C.L.'s and A.R.'s testimonies are sufficient to support the guilty verdicts because the trier of fact may rely on victim testimony alone in sexual abuse cases. The State explains that credibility determinations are the province of the trier of fact, so Reeder cannot overcome the verdicts by impugning C.L.'s and A.R.'s testimonies on appeal. The State adds that Espinoza's testimony nevertheless refutes any argument that the victims are not credible.

In reviewing the sufficiency of the evidence, we must decide "whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (emphasis in original); *see also Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998). "[I]t is the jury's function, not that of the [reviewing] court, to assess the weight of the evidence and determine the credibility of witnesses." *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). A jury may rely on circumstantial evidence to reach its verdict. *Wilkins v. State*, 96 Nev. 367, 374, 609 P.2d 309, 313 (1980). A victim's testimony alone is sufficient to uphold a conviction in a sexual assault case. *Rose v. State*, 123 Nev. 194, 203, 163 P.3d 408, 414 (2007).

Sufficient evidence supports the jury's verdict on counts 1 and 2. NRS 200.366(1)(b) provides that "[a] person is guilty of sexual assault if

³We have considered Reeder's arguments that there were other purported inconsistencies in A.R.'s and C.L.'s testimonies and do not find them to be a basis for reversal.

he or she . . . [c]ommits a sexual penetration upon a child under the age of 14 years” A rational trier of fact could conclude beyond a reasonable doubt that Reeder sexually penetrated C.L. twice based on C.L.’s testimony that Reeder put his hands under her clothes and digitally penetrated her vagina. The trier of fact also reasonably could have concluded that C.L. was under 14 years of age at the time given her date of birth and testimony that she was between six and eight years old when the abuse occurred.

Reeder’s argument that C.L.’s testimony was not sufficiently credible to prove he committed sexual assault beyond a reasonable doubt is unavailing. We will not reweigh evidence or witness credibility on appeal, so the inconsistencies Reeder highlights in C.L.’s testimony are immaterial insofar as *any* rational trier of fact could overlook them in favor of believing C.L.’s testimony beyond a reasonable doubt. *See Origel-Candido*, 114 Nev. at 381, 956 P.2d at 1380; *McNair*, 108 Nev. at 56, 825 P.2d at 573.

Sufficient evidence also supports the jury’s verdict on counts 3 and 4. The version of NRS 201.230(1) that was in effect when Reeder was alleged to have committed counts 3 and 4 provides:

A person who willfully and lewdly commits any lewd or lascivious act . . . upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of lewdness with a child.


See NRS 201.230(1) (2005). A.R. testified that Reeder twice performed lewd acts on her while she was under the age of 14. A rational trier of fact could conclude that Reeder was guilty of counts 3 and 4 beyond a reasonable doubt based on A.R.’s testimony alone. *See Rose*, 123 Nev. at 203, 163 P.3d at 414.

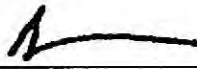
Because we do not reweigh evidence or witness credibility, *see McNair*, 108 Nev. at 56, 825 P.2d at 573, Reeder's other arguments are not persuasive.

In conclusion, a rational trier of fact could believe A.R.'s and C.L.'s accounts of sexual abuse beyond a reasonable doubt, particularly in light of Espinoza's testimony. There is thus sufficient evidence to sustain the guilty verdict on counts 1 through 4. Accordingly, we

AFFIRM the judgment of conviction.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge, Eighth Judicial District Court
Department 21, Eighth Judicial District Court
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk